

<sup>1</sup> ECF No. 1.

1 previously filed in this case by regenerating the Notice of Electronic Filing to the office of the  
2 AG only.

3 IT IS FURTHER ORDERED that respondents file a response to the petition, including  
4 potentially by motion to dismiss, within **90 days** of service of the petition, with any requests for  
5 relief by petitioner by motion otherwise being subject to the normal briefing schedule under the  
6 local rules. Any response filed should comply with the remaining provisions below, which are  
7 entered pursuant to Habeas Rule 5.

8 IT IS FURTHER ORDERED that any procedural defenses raised by respondents in this  
9 case be raised together in a single consolidated motion to dismiss. In other words, the court does  
10 not wish to address any procedural defenses raised herein either *in seriatum* fashion in multiple  
11 successive motions to dismiss or embedded in the answer. Procedural defenses omitted from  
12 such motion to dismiss will be subject to potential waiver. Respondents should not file a  
13 response in this case that consolidates their procedural defenses, if any, with their response on  
14 the merits, except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly  
15 lacking merit. If respondents do seek dismissal of unexhausted claims under § 2254(b)(2): (a)  
16 they should do so within the single motion to dismiss not in the answer; and (b) they should  
17 specifically direct their argument to the standard for dismissal under § 2254(b)(2) set forth in  
18 *Cassett v. Stewart*, 406 F.3d 614, 623-24 (9th Cir. 2005). In short, no procedural defenses,  
19 including exhaustion, should be included with the merits in an answer. All procedural defenses,  
20 including exhaustion, instead must be raised by motion to dismiss.


21 IT IS FURTHER ORDERED that, in any answer filed on the merits, respondents  
22 specifically cite to and address the applicable state court written decision and state court record  
23 materials, if any, regarding each claim within the response as to that claim.

1 IT IS FURTHER ORDERED that petitioner will have **45 days** from service of the  
2 answer, motion to dismiss, or other response to file a reply or opposition, with any other requests  
3 for relief by respondents by motion otherwise being subject to the normal briefing schedule  
4 under the local rules.

5 IT IS FURTHER ORDERED that any additional state court record exhibits filed herein  
6 by either petitioner or respondents be filed with a separate index of exhibits identifying the  
7 exhibits by number. The CM/ECF attachments that are filed further must be identified by the  
8 number or numbers of the exhibits in the attachment.

9 IT IS FURTHER ORDERED that, at this time, the parties send courtesy copies of **any**  
10 **responsive pleading or motion and all INDICES OF EXHIBITS ONLY** to the Reno Division  
11 of this court. Courtesy copies must be mailed to the Clerk of Court, 400 S. Virginia St., Reno,  
12 NV, 89501, and directed to the attention of "Staff Attorney" on the outside of the mailing  
13 address label. **No further courtesy copies are required unless and until requested by the**  
14 **court.**

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16 Dated: April 6, 2021

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18 U.S. District Judge Jennifer A. Dorsey  
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